

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALEXIS FIGUEROA,

Plaintiff,

v.

1:24-CV-0556
(GTS/DJS)

MARCUS FELTON, Police Officer;
GRIFFIN CLARK, Albany Police Officer;
ALAN WOJEWODZIC, Sergeant;
ROBERT LAWYER, Detective;
PJ O'DONOVAN, Detective;
THE CITY OF ALBANY;
JOHN DOES OFFICERS, Albany Police Dept.;
KATHY SHEEHAN, Mayor of City of Albany; and
ERIC HAWKINS, Chief of Albany Police Dep't,

Defendants.

APPEARANCES:

ALEXIS FIGUEROA

Plaintiff, *Pro Se*

60 Henry Street

Saratoga Springs, New York 12866

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Alexis Figueroa (“Plaintiff”) against the City of Albany and employees of the Albany Police Department (“Defendants”), is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s Amended Complaint be dismissed in part pursuant to 28 U.S.C. § 1915(e)(2)(B). (Dkt. No. 5.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

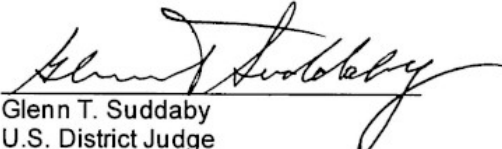
After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 5) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that the Fourteenth Amendment Equal Protection Clause claim asserted in Plaintiff's Amended Complaint (Dkt. No. 7) is **DISMISSED with prejudice**, but that the remaining claims in the Amended Complaint (specifically, Plaintiff's Fourth Amendment claim of excessive force, his First Amendment claim, and his municipal liability claim) **SURVIVE** the Court's initial review.

Dated: January 31, 2025
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).